

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRYAN ANGLE II,

Plaintiff,

v.

LT. SMITH, et al,

Defendants.

Case No. 1:22-CV-33

MEMORANDUM ORDER

This action was received by the Clerk of Court on January 31, 2022. The matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On May 2, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation recommending that Defendants' motion to dismiss for failure to prosecute be granted and that Defendants' motion for summary judgment be denied as moot. ECF No. 63. Plaintiff was given time to file objections to the Report and Recommendation, but none were filed.

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—

the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the filings and docket in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 5th day of June 2024;

IT IS ORDERED that the motion to dismiss for failure to prosecute [ECF No. 57] be granted. The Clerk is directed to close this case.

IT IS FURTHER ORDERED that the motion for summary judgment [ECF No. 53] be denied as moot.

AND, IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on May 2, 2024 [ECF No. 63] is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge